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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,942	02/08/2005	Giuseppe De'Longhi	23192	3137
7590 The firm of Karl F Ross 5676 Riverdale Ave Box 900 Riverdale(Bronx), NY 10471	10/11/2007		EXAMINER FASTOVSKY, LEONID M	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/524,942	DE'LONGHI, GIUSEPPE
Examiner	Art Unit	
Leonid M. Fastovsky	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 July 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 4-8,10-14,17 and 18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 4,6-8,10-14,17 and 18 is/are rejected.

7)  Claim(s) 5 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 February 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 6- 8, 10-12, 14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dadson (2,174,079).

Since applicant broadly claims his invention by claiming "baking or heating chambers" Examiner takes a position of a broad interpretation of the claims, and therefore any electric oven is capable of so perform.

Dadson teaches an electric oven 10 comprising a box-shaped body, a heater unit 13 that radiates heat, two chambers, baking 16 and broiling 17, and a baffle means 22 to direct radiation towards the baking chamber 16, the baffle comprises an elongated member that are connected to a support frame 14 and define seats where the heater unit is located, and the support frame 14 allows heat transfer by convection between two chambers 16 and 17.

As to claims 6-8, Dadson teaches a second member 59 arranged above the heating unit 13 and hinders the radiation towards the upper portion of the body, and the second member 59 made of bars.

As to claims 11-12, Dadson teaches a temperature responsive bulb 21 forming a part of a thermostatic oven, the thermostat inherently the heater switches on and off, therefore he meets limitations of the claims (col. 2, lines 50-55).

As to claim 14, Dadson meets limitations of the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dadson in view of Lockwood (2,112,035).

Dadson discloses substantially the claimed invention including the thermostatic oven, but does not teach a bimetallic thermostat and some portions of the heater being cold. Lockwood discloses an oven thermostatic switch 29 having a bimetallic disk 55. It would have been obvious to one having ordinary skill in the art to modify Dadson's invention to include a bimetallic switch as taught by Lockwood in order to increase utilities of the oven, and also remain some end portions of the heater cold as necessary that will be determined and adapted by the user having a desired application in mind since applicant has not disclose any specific structure that will provide such an effect.

***Allowable Subject Matter***

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 7/17/07 have been fully considered but they are not persuasive. Dadson teaches an electric oven 10 comprising a box-shaped body, a heater unit 13 that radiates heat, two chambers, baking 16 and broiling 17, and a baffle means 22 to direct radiation towards the baking chamber 16, the baffle comprises an elongated member that are connected to a support frame 14 and define seats where the heater unit is located, and the support frame 14 allows heat transfer by convection between two chambers 16 and 17.

As to claims 6-8, Dadson teaches a second member 59 arranged above the heating unit 13 and hinders the radiation towards the upper portion of the body, and the second member 59 made of bars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M. Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf